

REMARKS

In the Final Action dated July 28, 2008, claims 38 and 54-61 are pending and are under consideration. Claims 38 and 54-58 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Schofield et al. (*Journal of Immunology* 156:1886-1896, 1996). Claims 38 and 54-61 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. The previous submission filed on March 24, 2008 is also objected to under 35 U.S.C. § 132(a) for allegedly introducing new matter.

This Response addresses each of the Examiner's rejections. Applicant therefore respectfully submits that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

Claim Amendments

Independent claim 38 has been amended to more clearly define the modified GPI molecule as a molecule which "comprises a GPI inositolglycan domain but excludes a lipidic domain". Support for such a modified GPI molecule is found throughout the specification, for example, on page 14, third, fourth and fifth paragraphs, and pages 66-69 (Example 7).

The claims have also been amended to remove references to "derivative" and "equivalent".

Claims 54-55 have been canceled.

No new matter is introduced by the foregoing amendments.

35 U.S.C. §102(b)

Claims 38 and 54-58 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Schofield et al. (*Journal of Immunology* 156:1886-1896, 1996) ("Schofield").

The Examiner alleges that Schofield discloses a GPI of malaria parasite origin and used in either PBS, water or a buffer of choice (abstract; p.1887). The Examiner further alleges that Schofield discloses a mAb directed to malarial GPI (p. 1887).

The rejection is apparently predicated on the Examiner's interpretation of the claim language "modified GPI molecule or a *derivative or an equivalent* thereof" as broadly encompassing virtually any GPI moiety. The Examiner further alleges that the recited functional feature of the modified GPI, i.e., being incapable of inducing an immune response toward the lipidic domain, is inherent in those glycan-containing compositions disclosed in the cited reference. Thus, the Examiner apparently presumes that the GPIs disclosed in Schofield also do not induce an immune response toward a GPI lipidic domain.

Although Applicant respectfully disagrees with the Examiner's analysis, the claims have been amended to delete the phrase "*derivative or equivalent thereof*". Further, the modified GPI molecule, as presently recited, lacks a lipidic domain. It is respectfully submitted that Schofield does not teach or suggest a modified GPI molecule that lacks a lipidic domain.

Therefore, the rejection under 35 U.S.C. §102(b) based on Schofield is overcome. Withdrawal of the rejection is therefore respectfully requested.

35 U.S.C. 112, First Paragraph (Written Description)

Claims 38 and 54-61 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner contends that the specification does not provide adequate written description for all "*derivatives or equivalents*" of a modified GPI molecule. The Examiner further asserts that the functional language, which requires the modified GPI molecule to induce an immune response directed to a

microorganism GPI inositolglycan domain without inducing an immune response directed to a lipidic domain of said GPI, is insufficient description of the claimed genus.

Although Applicant respectfully disagrees with the Examiner's rejection, the claims have been amended to delete the phrase "*derivative or equivalent thereof*". Applicant further respectfully submits that the modified GPI molecule which comprises a GPI inositolglycan domain but lacks a lipidic domain, as presently recited, is clearly defined structurally and adequately described in the specification.

Accordingly, it is respectfully submitted that the written description requirement under 35 U.S.C. § 112, first paragraph, is overcome. Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 132(a) and 35 U.S.C. §112, First Paragraph (New Matter)

The previous submission filed on March 24, 2008 is also objected to under 35 U.S.C. § 132(a) for allegedly introducing new matter. Specifically, the Examiner contends that the recitation, "wherein the derivative or equivalent comprises at least three residues of the core glycan of the modified GPI molecule," presented in previous claim 38, is not supported by the original disclosure.

For the same reason, claims 38 and 54-61 are rejected under 35 U.S.C. §112, first paragraph, because the recitation in claim 38, "wherein the derivative or equivalent comprises at least three residues of the core glycan of the modified GPI molecule," was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Although Applicant respectfully disagrees with the Examiner's rejection, the language

objected to by the Examiner has been removed from the claims. Therefore, it is respectfully submitted that the new matter rejection is obviated, and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited. Should the Examiner have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the undersigned attorney at the number indicated below to discuss.

Respectfully submitted,



Xiaochun Zhu

Registration No.: 56,311

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza- Suite 300
Garden City, New York 11530
(516) 742-4343
XZ:ab